

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Criminal No. 08-123 (JRT/FLN)

Plaintiff,

v.

**ORDER DISMISSING
DEFENDANT'S MOTION TO
STRIKE**

YOBARRI TAKIE EASON,

Defendant.

Thomas M. Hollenhorst and Andrew S. Dunne, Assistant United States Attorneys, **UNITED STATES ATTORNEY'S OFFICE**, 600 United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415, for plaintiff.

Yobarri Takie Eason, #13872-041, United States Penitentiary, Post Office Box 33, Terre Haute, Indiana 47808, *pro se*.

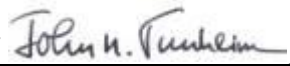
Petitioner Yobarri Takie Eason filed a motion to strike or dismiss, under Federal Rule of Civil Procedure 12(f), the Government's response memorandum in opposition to Eason's motion to vacate. (Mot. to Strike, Nov. 18, 2014, Docket No. 34.) Eason filed this motion arguing that the Government's response to his Section 2255 is abusive and vindictive. Eason's motion to strike opposes the Government's arguments concerning the effect of the *Descamps* ruling on Eason's sentence and the divisibility of Minnesota Statute § 609.245 and § 609.02 defining the elements of armed robbery and the term "dangerous weapon," respectively. A motion to strike is the appropriate remedy to address "redundant, immaterial, impertinent, or scandalous matter," not to lodge broad accusations of "abuse" against the opposing party. Fed. R. Civ. P. 12(f). Such motions

are an “extreme measure” and are viewed with disfavor. *Stanbury Law Firm v. I.R.S.*, 221 F.3d 1059, 1063 (8th Cir. 2000). Because Eason’s motion files broad accusations of abuse and does not fall within the narrow scope of Rule 12(f), the Court will deny Eason’s motion as improper.

ORDER

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Defendant’s Motion to Strike [Docket No. 34] is **DENIED**.

DATED: December 3, 2014
at Minneapolis, Minnesota.

s/ 

JOHN R. TUNHEIM
United States District Judge